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REMARKS

Claims 8-10 and 14-19 are pending and subject to a number of final rejections.

Applicants request reconsideration of the pending rejections in light of the following remarks.

Applicants propose amending claim 8 to provide that the molding chambers and nozzles are mounted on a common rotor. The Examiner indicated in the Advisory Action that such an amendment would place the case in condition for allowance. The amendment was not presented earlier as it arose during telephonic requests from the Examiner following a prior Request for Reconsideration. Since the proposed amendment places the case in condition for allowance, Applicants submit that good cause exists to enter the amendment even though presented after final rejection.

The Examiner rejects claim 9 under 35 U.S.C. 112(1) as failing to comply with the written description requirement. The Examiner asserts that the specification fails to provide adequate support for reciting "molding chambers are at a temperature below that of the reservoir". Applicants respectfully traverse this rejection.

Applicants noted in the prior Amendment that the recited temperature relationship was described in the paragraph bridging pages 59 and 60. This passage teaches that coolant passes through the mold assemblies in order to cool and thereby harden the injected starting material. The specification further provides on page 31 that the reservoirs are heated to assist in fluid flow. Hence, the implied property of these passages is that the molding chambers are at a lower temperature relative to the reservoir. For this reason, Applicants submit there is adequate support in the specification for the recited temperature feature.

The Examiner asserts that the phrase "common rotor" lacks support in the Specification. Applicants acknowledge that the term is not expressly provided for. Literal support is not required. Applicants point to paragraph 42 in the corresponding publication (US2003/0124183) as showing possession of the invention now claimed. The paragraph provides:

[0042] The invention also provides a molding module for molding coatings onto compressed dosage forms, comprising a rotor capable of rotating about a central axis and a plurality of mold units mounted thereon, each mold unit comprising: a) a mold cavity for enclosing at least a first portion of said compressed dosage form; b) means for injecting a flowable material into said mold cavity to coat at least said first portion of said compressed dosage form with said flowable material; and c) means for hardening said flowable material so as to form a coating over at least said first portion said compressed dosage form.

The most salient part of this paragraph is reference to a mold unit mounted on a rotor, wherein the mold unit comprises mold cavities and a means for injecting a flowable material into said mold cavity. Subsequently, the Specification provides that:

[0052] The invention provides an apparatus for molding substrates from a starting material in flowable form, comprising a plurality of molding chambers and a plurality of nozzles aligned with said molding chambers, said molding chambers and said nozzles mounted on a rotor capable of rotation about a central axis, said nozzles being displaceable in a direction parallel to said central axis, such that as said rotor rotates, said nozzles engage and disengage said molding chambers.

Clearly, nozzles are disclosed and described as means for injecting a flowable material into mold cavities. Applicants submit that there is adequate support for claiming a common rotor for the molding chambers and nozzles of claim 8.

The Examiner rejects claims 8, 14 and 15 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,672,364 ("Kato et al."). Applicants respectfully traverse these rejections.

The present invention is directed to an apparatus for molding substrates from a starting material in flowable form. The apparatus includes a plurality of molding chambers that are aligned with a plurality of nozzles for feeding starting material. The molding chambers and nozzles are mounted on a rotor that rotates about a central axis. The nozzles are displaceable in a direction parallel to said central axis. Furthermore, as the rotor rotates, the nozzles engage and disengage said molding chambers.

Kato discloses and describes a tablet press. Powder is fed from a single, stationary hopper into filling holes on a first table. The powder is then transferred into mold cavities in a second table. The powder is compressed in the mold cavity to produce the desired mold.

Claim 8 requires a plurality of nozzles for feeding starting material into aligned molding chambers. The Examiner maintains that the mold cavities and filling holes through

which powder is dispensed are nozzles for feeding starting material into aligned molding chambers.

The recited nozzles herein are required to be mounted on a rotor capable of rotation about a central axis and to be displaceable in a direction parallel to said central axis, such that as said rotor rotates, said nozzles engage and disengage said molding chambers. The Examiner has not articulated any features of the cavities and holes having these recited properties. Thus, Applicants submit that Kato fails to disclose at least one element of the claimed invention.

Claim 14 provides that the plurality of nozzles injects the starting material into a corresponding molding chamber while rotating about a common rotor in alignment with the molding chamber. The Examiner refers to tables 1 and 2 at station B as showing rotation about a central axis. Each of these tables, however, rotates around their own distinct axis. They do not share a common rotor. Kato does not disclose or suggest the combination of molding chambers and nozzles mounted on a common rotor that rotates about a central axis.

Claim 15 provides that the starting material sets, gels, or solidifies in the molding chamber that is moving along a rotary path defined by the rotor and rotation about the central axis. There is no evidence that the powder in Kato is changed in any manner other than compression. The terms set, gel and solidify all refer to fundamentally different changes in the physical state of the flowable material beyond mere compaction.

For all of the above reasons, Applicants submit that the Kato fails to anticipate the claimed invention of claims 8, 14 and 15. Applicants request that the Examiner reconsider and withdraw her anticipation rejections of claims 8, 14 and 15 in view of Kato.

The Examiner rejects claims 8, 9 and 14-19 as being unpatentable over Kato in view of U.S. Patent No. 6,276,917 (“Gutierrez et al.”). The Examiner cites Gutierrez as showing heating of a reservoir to aid in compression of tablets. Applicants respectfully traverse these rejections.

Kato fails to disclose a number of elements recited in claims 8, 14 and 15 as described above. Gutierrez does not address any of these shortcomings as the Examiner readily concedes the reference is limited to showing a heating reservoir to aid in compression of tablets. The basis for rejecting the remainder of the claims is unclear given the clear limitation on the teachings in Gutierrez.

Claim 16 provides that the starting material is a thermal setting material. Claim 17 provides that thermal setting material of claim 16 is at a temperature above its melting point prior to injection into the molding. Claim 18 provides that the starting material contains a medicant and is a thermal setting material at a temperature above its melting point and below the decomposition temperature of the medicant. Claim 19 provides that the starting material is a polymeric material in the form of solid particles in suspension, a molten mass, paste or solution. The materials in Kato do not conform to these requirements, nor would the presence of a heating reservoir to aid in compression of tablets suggest these elements. Applicants request that the Examiner reconsider and withdraw his obviousness rejection of claims 8, 9 and 14-19 in view of Kato and Gutierrez.

The Examiner rejects claims 10, 18 and 19 as being unpatentable over Kato in combination with Gutierrez and further in combination with U.S. Patent No. 5,429,484 ("Honda et al."). The Examiner cites Honda as showing a valve in a flow path from a reservoir where liquid is sucked back upon closing of the valve. Applicants respectfully traverse these rejections.

Claim 10 requires the presence of a plurality of valves each comprising a valve seat with a gasket therein, said valves being disposed in flow paths connecting the reservoir and the nozzles, said valve seat having the geometry of a gradually tapering hole, such that as said gasket closes starting material is sucked back from said nozzles. Honda is cited solely for this element. Again, as described above, the primary reference fails to disclose at least one essential element of the claimed invention. Neither of the secondary references addresses this shortcoming. Therefore, the combined teachings, even if proper, fail to disclose the invention of claim 10.

Claim 18 provides that the starting material contains a medicant and is a thermal setting material at a temperature above its melting point and below the decomposition temperature of the medicant. Claim 19 provides that the starting material is a polymeric material in the form of solid particles in suspension, a molten mass, paste or solution. The materials in Kato do not conform to these requirements, nor would the presence of a heating reservoir to aid in compression of tablets or a plurality of valves suggest these elements. Applicants request that the Examiner reconsider and withdraw his obviousness rejection of claims 10, 18 and 19 in view of Kato, Gutierrez and Honda.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. The Examiner is urged to contact the undersigned representative in the event minor amendments will further prosecution.

Respectfully submitted,

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